

FORTY-THIRD DAY**(Continued)**

(Tuesday, March 28, 1939)

The Senate met at 10:00 o'clock a. m. and was called to order by President Stevenson.

Leave of Absence Granted

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Martin.

Reports of Standing Committees

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Finance:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 171, A bill to be entitled "An Act providing for voluntary apprenticeship to open to young people the opportunity to obtain training that will equip them for profitable employment and citizenship; to set up, as a means to this end, a program of voluntary apprenticeship under approved apprentice agreements providing facilities for their training and guidance in the arts and crafts of industry and trade, with parallel instruction in related and supplementary education; to promote employment opportunities for young people under conditions providing adequate training and reasonable earnings; to relate the supply of skilled workers to employment demands; to establish standards for apprentice training; to establish an Apprenticeship Council and local and State joint apprenticeship committees to assist in effectuating the purposes of this act; to provide for a Director of Apprenticeship within the Bureau of Labor Statistics; to provide for reports to the legislature and to the public regarding the status of apprentice training in the State; to establish a procedure for the determination of apprentice agreement controversies; and to accomplish related ends,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with recommendation that it do pass with the attached committee amendments and be printed.

ROBERTS, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 320, A bill to be entitled "An Act making an appropriation out of any moneys in the State Treasury not otherwise appropriated for the Nueces River Conservation and Reclamation District, for each of the fiscal years ending August 31, 1940, and August 31, 1941, to aid said District in making the necessary surveys and preparing the necessary plans for its construction program and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 426, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal years beginning September 1, 1936, and ending August 31, 1938; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 374, A bill to be entitled "An Act appropriating \$50,000, or so

much thereof as may be necessary for the purpose of defraying expenses incident to cooperating with the Federal Government in the extermination of migratory grasshoppers; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached committee amendments.

ROBERTS, Chairman.

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 409, A bill to be entitled "An Act fixing and determining a method of per capita appropriations for educational institutions of higher learning; prescribing certain rules and regulations to be followed in determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1939, and ending August 31, 1941, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a savings clause; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senator Stone of Washington, by unanimous consent, submitted at this time the following report of the Committee on Public Health:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 276 by Martin, A bill to be entitled "An Act providing for the establishment of a State Board of Embalming, providing for the ap-

pointment and terms of the members thereof and for their removal, granting powers and imposing duties upon said Board; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE of Washington, Chairman.

Committee Substitute for Senate Joint Resolution 12 on Passage to Engrossment

The Senate resumed consideration of pending business, same being C. S. for S. J. R. No. 12, relating to levy and collection of taxes for social security purposes, on its passage to engrossment; with amendment by Senator Aikin and substitute by Senator Van Zandt for the amendment, pending.

Question—Shall the substitute be adopted?

(President Pro Tempore in the Chair).

Yeas and nays were demanded, and the substitute was adopted by the following vote:

Yeas—17

Brownlee	Pace
Collie	Redditt
Graves	Roberts
Hardin	Spears
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield

Nays—8

Aikin	Shivers
Beck	Stone
Burns	of Galveston
Lanning	Sulak
Metcalfe	

Absent

Cotten	Head
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Absent—Excused

Nelson

Paired

Senator Hill (present), who would vote "nay" with Senator Cotten (absent), who would vote "yea."

Senator Lemens (present), who would vote "nay" with Senator Small (absent), who would vote "yea."

Question—Shall the amendment as substituted be adopted?

Senate Resolution 52

Senator Hill, by unanimous consent, offered at this time the following resolution:

Whereas, On Tuesday, March 21st in addressing the Texas and Southwestern Cattle Raisers Association in Convention at Houston, His Excellency, Governor W. Lee O'Daniel is credited by the Press as having made a statement substantially as follows: "Every time I stick my head in an office at Austin to see how they are spending the money they shut the door in my face," and

Whereas, Such statement coming from the Governor of Texas would necessarily lead the people of this State to an inescapable conclusion that there is a disposition on the part of State Departments to withhold information of a public nature from the Governor or deny to him access to records showing how appropriations to the various departments are being expended or how funds handled by the various Departments were being disbursed, and,

Whereas, As Chief Executive of the State the Governor has the right and should know how public moneys are expended, and,

Whereas, If any of the State Departments have withheld such information or denied the Governor or any of his representatives access to records or information concerning the expenditures of public money, such withholding by any such department or departments would be contrary to sound public policy; and the failure of the Governor on the other hand to name the department or departments that have "shut the door" in his face would necessarily lead to a conclusion that any or all of the Departments of State might have been guilty of such an act and result in incalculable harm to the head or heads of departments who had not so offended, now, therefore, be it

Resolved by the Senate of the State of Texas, That His Excellency, W. Lee O'Daniel, be requested to furnish to the Legislature the name or names of any Department or Departments of the State of Texas to which he has been denied access to any record or

records pertaining to the disbursement of State funds and that upon the furnishing of such information by the Governor that the Senate General Investigating Committee be and the same is hereby charged by the Senate with the duty of compelling the appearance of the offending department head or heads before said Committee to answer why and under what circumstances either the Governor or any one acting for him was denied such information, as charged by the Governor, in his speech at Houston.

The resolution was read.

Senator Hill moved that the regular order of business be suspended and that the resolution be considered by the Senate at this time.

(President in the Chair).

Yeas and nays were demanded, and the motion to suspend the regular order of business was lost by the following vote:

Yeas—5

Burns
Cotten
Hardin

Hill
Sulak

Nays—23

Aikin
Beck
Brownlee
Collie
Graves
Isbell
Kelley
Lanning
Lemens
Martin
Metcalf
Moffett
Moore

Pace
Redditt
Roberts
Shivers
Spears
Stone
of Galveston
Stone
of Washington
Van Zandt
Weinert
Winfield

Absent

Head

Absent—Excused

Nelson

Small

The resolution was held on the President's table, to be disposed of after the morning call tomorrow, as provided in Section (9) of Senate Rule 11.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.
Austin, Texas, March 28, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 20 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Schuenemann, Bradbury, Tarwater,
Fuchs, Ragsdale.

The House has passed the following bill:

H. B. No. 231, A bill to be entitled "An Act to protect trade-mark owners, distributors and the general public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trade-mark, brand, or name, to facilitate fair trade; defining certain terms; providing a saving clause, and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Reports of Committee on Rules

Senator Collie, by unanimous consent, submitted at this time the following reports of the Committee on Rules:

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on Rules,
to whom was referred

S. R. No. 46, by Metcalfe,

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of
the Senate.

Sir: We, your Committee on Rules,
to whom was referred

S. R. No. 47, by Lemens,

Have had the same under consid-

eration, and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Committee Substitute for Senate Joint Resolution 12 on Engrossment

The Senate resumed consideration of pending business, same being C. S. for S. J. R. No. 12, on its passage to engrossment, with amendment by Senator Aikin as substituted by an amendment by Senator Van Zandt, pending.

Senator Spears offered the following amendment to the amendment as substituted:

Amend substitute for S. J. R. No. 12, page 4, paragraph 7, by striking out the words and figures twenty-five (25) cents and substitute therefor the words and figures thirty-four (34) cents.

Yeas and nays were demanded, and the vote on the amendment to the amendment as substituted was announced:

Yeas 12, nays 12.

The President voted "yea," and the amendment to the amendment was adopted by the following vote:

Yeas—13

Mr. President	Lemens
Aikin	Martin
Beck	Metcalfe
Burns	Pace
Graves	Spears
Hill	Sulak
Lanning	

Nays—12

Brownlee	Roberts
Collie	Stone
Cotten	of Galveston
Isbell	Stone
Kelley	of Washington
Moore	Weinert
Redditt	Winfield

Present—Not Voting

Van Zandt

Absent

Hardin	Moffett
Head	Shivers

Absent—Excused

Nelson Small

Record of Votes

Senator Hardin asked unanimous consent of the Senate to be recorded as voting "yea" on the amendment to the amendment.

Senator Moffett asked unanimous consent of the Senate to be recorded as voting "yea" on the amendment to the amendment.

There was no objection offered to the requests, and it was so ordered.

Senator Aikin offered the following amendment to the amendment:

Amend Van Zandt substitute, page 4, Section 2, Subsection 9, by striking out the words and figures 3 4 cent and 3 4 of one per cent wherever they appear and insert in lieu thereof the following: "one cent, and one per cent," respectively.

Yeas and nays were demanded, and the amendment to the amendment was adopted by the following vote:

Yeas—18

Aikin	Pace
Beck	Roberts
Burns	Shivers
Collie	Spears
Graves	Stone
Hardin	of Galveston
Hill	Sulak
Lanning	Van Zandt
Martin	Winfield
Metcalfe	

Nays—9

Brownlee	Moore
Cotten	Redditt
Isbell	Stone
Kelley	of Washington
Moffett	Weinert

Absent

Head

Absent—Excused

Nelson

Paired

Senator Lemens (present), who would vote "yea" with Senator Small (absent), who would vote "nay."

Senator Sulak offered the following amendment to the amendment:

Amend the Van Zandt substitute to S. J. R. No. 12, page 5, Section 3, line 3, by inserting after the word "amendment" the following, to-wit:

"All dairy products, when such products are purchased from farmers, processors, distributors, and other persons engaged exclusively in the production, processing, distribution and sale of dairy products," and by inserting the word "and" after the words "live stock" in line 4 and by striking out in the same line the words "and dairy."

Senator Aikin offered the following substitute for the amendment to the amendment:

Amend Van Zandt substitute Section 1, page 2, by adding the following at the end of Section 1: "except food and food products" which shall be exempt from said tax.

AIKIN,
BURNS,
HILL.

Senator Van Zandt moved to table the substitute for the amendment to the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—12

Beck	Spears
Cotten	Stone
Graves	of Washington
Martin	Van Zandt
Pace	Weinert
Redditt	Winfield
Roberts	

Nays—15

Aikin	Lanning
Brownlee	Metcalfe
Burns	Moffett
Collie	Moore
Hardin	Shivers
Hill	Stone
Isbell	of Galveston
Kelley	Sulak

Absent

Head

Absent—Excused

Nelson

Paired

Senator Lemens (present), who would vote "nay" with Senator Small (absent), who would vote "yea."

Question—Shall the substitute for the amendment to the amendment be adopted?

Bill and Resolution Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bill and resolution:

H. B. No. 350, "An Act to amend Article 198, Title 8, Revised Civil Statutes of 1925, and declaring an emergency."

H. C. R. No. 68, Authorizing correction in H. B. No. 350.

Recess

On motion of Senator Stone of Washington, the Senate, at 11:55 o'clock p. m., took recess to 2:00 o'clock p. m. today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Reports of Standing Committees

Senator Lemens, by unanimous consent, submitted at this time the following report of the Committee on Banks and Banking:

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banks and Banking, to whom was referred

S. B. No. 191, A bill to be entitled "An Act amending Section 67 of Chapter 61, Acts of the Second Called Session of the Forty-first Legislature, relating to foreign building and loan associations doing business in this State; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Senator Graves, by unanimous consent, submitted at this time the following report of the Committee on Federal Relations:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred

H. C. R. No. 15, Calling attention of the Department of State of the United States to the seriousness of the situation resulting from Mexican expropriation of American property and suggesting action in regard thereto,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

GRAVES, Chairman.

Senator Cotten, by unanimous consent, submitted at this time the following reports of the Committee on Insurance:

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 249, A bill to be entitled "An Act concerning the liquidation, rehabilitation, reorganization, or conservation of insurers, and placing same under the Board of Insurance Commissioners; providing for the appointment of a liquidator by the Board of Insurance Commissioners; defining certain words and phrases used in this Act; providing for the appointment of a liquidator of the Board as receiver for an insurer and outlining his duties as such receiver; providing for ancillary delinquency proceedings and providing method of filing claims of resident and nonresident claimants; defining powers of receivers and ancillary receivers; providing for form of bond; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 370, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, Forty-fifth Legislature, page 330, Chapter 168, designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in any bonds or interest bearing warrants issued by authority of law by any county, city, town, school district or other municipality or subdivision constituted or organized under the laws of the State of Texas, and authorized to issue such bonds or warrants under the Constitution and laws of Texas, provided legal provision has been made by a tax to meet such obligations, or in the alternative, that special revenue sufficient to meet the principal and interest payments as they accrue upon such obligations shall have been appropriated, pledged or otherwise provided by the issuing municipality or subdivision; providing that any life insurance company, for the purpose of investing its capital and surplus over and above the amount of its reserves, may purchase and hold as collateral security, or otherwise, and sell and convey the capital stock, bonds, debentures, bills of exchange or other commercial notes or bills and securities of any solvent paying corporation which has not defaulted in the payment of any of its obligations for a period of five years if the corporation has been in existence for a period of five years, or which has never at any time defaulted in the payment of any of its obligations if the corporation has been in existence less than five years; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 95, A bill to be entitled "An Act to amend Articles 5025, 5026, 5027, 5029, 5031, 5032, and 5033 of Chapter 20, Title 78 of the Revised Civil Statutes of Texas, 1925, and to add thereto Articles 5029a and 5033a; relating to indemnity contracts by reciprocal or inter-insurance exchanges; fixing the extent of liability of subscribers at such exchanges; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that Committee Substitute House Bill No. 95 be passed as amended in lieu of the original bill and that it be printed.

COTTEN, Chairman.

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
March 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 807, A bill to be entitled "An Act ratifying, confirming, and validating all acts of County Boards of Trustees in ordering an election for the purpose of laying out, establishing, combining, abolishing, or changing any Independent or Common School Districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing, or changing any such Independent or Common School Districts; and ratifying, confirming, and validating an election of any Independent School District held for the purpose of authorizing the issuance of bonds and levying a tax for the payment of said bonds where there has been in the election proceedings of such election, in the petition

for election, order of the School Board for such election, notice of election and order declaring the results thereof, certain errors and irregularities in certain counties; providing that this Act shall not affect districts which may be involved in litigation at the effective date of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

WEINERT, Chairman.

Senate Bill 330 Set as Special Order

Senator Kelley moved that S. B. No. 330 be set as a special order for next Monday, April 3, 1939, at 11:00 o'clock a. m.

The motion prevailed by the following vote:

Yeas—19

Aikin	Lanning
Beck	Martin
Brownlee	Metcalf
Burns	Moffett
Collie	Pace
Hardin	Redditt
Head	Spears
Hill	Weinert
Isbell	Winfield
Kelley	

Nays—7

Cotten	Stone
Moore	of Washington
Roberts	Sulak
Shivers	Van Zandt

Absent

Graves	Stone
Lemens	of Galveston

Absent—Excused

Nelson	Small
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Senate Resolution 53

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, Three distinguished citizens of Houston, Texas, Messrs. Roy L. Arterbury, Meredith James, and Dave Bintliff are in the Senate corridors; and

Whereas, They have a message from the Salesmanship Club of the City of Houston, which they feel would be

of interest to the members of the Senate; now, therefore, be it

Resolved by the Senate of Texas, That these distinguished gentlemen be invited to address the Senate and that they be given the privileges of the floor.

MOORE,
PACE,
HARDIN.

The resolution was read, and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the President appointed Senators Moore, Pace and Hardin as a committee to escort those named in the resolution to the President's stand.

The committee performed the duty assigned it, and Senator Moore presented Mr. Meredith James, who extended to the Senators an invitation to the annual Gridiron Dinner of the Houston Salesmanship Club.

On motion of Senator Roberts, the invitation extended by Mr. James was accepted.

Conference Committee on House Bill 20

Senator Sulak moved that the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 20 be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Roberts, Aikin, Lemens, Sulak and Redditt.

Message from the House

A Clerk from the House was announced by the doorkeeper and was recognized by the President to present the following message:

Hall of the House of Representatives, Austin, Texas, March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 58, Requesting the Supreme Court to promulgate a Dis-

strict Court Rule in the form of Federal Rule 16 adopted by the United States Federal Courts.

H. C. R. No. 69, Memorializing the Congress of the United States of America to appropriate funds under Farm Forestry Acts.

H. C. R. No. 70, Authorizing certain corrections in H. B. No. 711.

H. C. R. No. 71, Memorializing the United States Congress to take action necessary to protect the cotton growers of the South.

Respectfully submitted.

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Message from the Governor

The President laid before the Senate, and had read, the following message:

Austin, Texas,
March 28, 1939.

To the Senate of the Forty-sixth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be Chairman of the Highway Commission (term ending February 15, 1945):

James M. West, Sr., of Houston, Harris County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

The message was read and was referred to the Committee on Nominations of the Governor.

Report of Standing Committee

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,
March 28, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. C. R. No. 65, Providing that the

Enrolling Clerk of the House be authorized and directed to strike out the words "or any subsequent Federal Census" wherever same appear in both the body and caption of H. B. No. 660,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

House Concurrent Resolution 70

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 70, Authorizing correction of H. B. No. 711.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

Senate Concurrent Resolution 27

Senator Weinert, by unanimous consent, offered at this time the following resolution:

Be it Resolved by the Senate of Texas, the House of Representatives concurring, That that portion of the Joint Rules prohibiting consideration of Senate bills and resolutions by the Senate on Wednesday and Thursday of each week be suspended insofar as such rules apply to Senate Joint Resolution No. 12.

The resolution was read; and by unanimous consent, it was considered at this time and was adopted.

House Concurrent Resolution 65

The President laid before the Senate the following resolution received from the House today:

H. C. R. No. 65, Authorizing the correction of H. B. No. 660.

The resolution was read; and on motion of Senator Hill, and by unanimous consent, it was considered at this time and was adopted.

Committee Substitute for Senate Joint Resolution 12 on En-grossment

The Senate resumed consideration of pending business, same being Com-

mittee Substitute for S. J. R. No. 12 on its passage to engrossment, with an amendment by Senator Aikin as substituted by an amendment by Senator Van Zandt, and an amendment by Senator Sulak to the amendment, and substitute by Senator Aikin for the amendment to the amendment pending.

Question—Shall the substitute for the amendment to the amendment be adopted?

Pending consideration of the substitute for the amendment to the amendment, Senator Roberts occupied the Chair temporarily.

(President in the Chair.)

Question recurring on the substitute for the amendment to the amendment, yeas and nays were demanded.

The substitute for the amendment to the amendment was adopted by the following vote:

Yeas—15

Aikin	Lanning
Brownlee	Metcalf
Burns	Moffett
Collie	Moore
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Sulak

Nays—13

Beck	Roberts
Cotten	Spears
Graves	Stone
Kelley	of Washington
Martin	Van Zandt
Pace	Weinert
Redditt	Winfield

Absent—Excused

Nelson

Paired

Senator Lemens (present), who would vote "yea," with Senator Small (absent), who would vote "nay."

Senator Spears offered the following amendment to the amendment to the amendment:

Amend Aikin amendment by adding after the words "food products" the following: "for human consumption."

The amendment to the amendment to the amendment was adopted.

Question recurring on the amendment to the amendment, yeas and nays were demanded.

The vote on the amendment to the amendment was announced:

Yeas 14, nays 14.

The President voted "nay," and the amendment to the amendment was lost by the following vote:

Yeas—14

Aikin	Metcalf
Brownlee	Moffett
Burns	Moore
Collie	Shivers
Head	Stone
Hill	of Galveston
Isbell	Sulak
Lanning	

Nays—15

Mr. President	Redditt
Beck	Roberts
Cotten	Spears
Graves	Stone
Hardin	of Washington
Kelley	Van Zandt
Martin	Weinert
Pace	Winfield

Absent—Excused

Nelson

Paired

Senator Lemens (present), who would vote "yea," with Senator Small (absent), who would vote "nay."

Question recurred — Shall the amendment as substituted be adopted?

Senator Hill offered the following amendment to the amendment:

Amend substitute amendment for S. J. R. No. 12 by adding in an appropriate place and properly numbered the following:

"Sec. —. In order to provide the revenues for the purposes set out in this amendment, taxes are hereby levied upon the net incomes of natural persons and corporations as follows: "(a) A graduated tax of not less than one per cent (1%) nor more than four per cent (4%) on natural persons. Such tax shall never be more than three per cent (3%) on net income of less than Five Thousand (\$5,000.00) Dollars.

"(b) No tax shall be levied on net incomes of less than One Thousand

(\$1,000) Dollars a single person, nor less than Two Thousand (\$2,000) Dollars for married persons. Four Hundred (\$400) Dollars shall be allowed as deduction for each dependent before the tax is levied.

"(c) A flat rate of not more than four per cent (4%) shall be levied upon the net income of all corporations doing business within this State or from that portion of the net income of foreign corporations which is derived from within Texas not inconsistent with the Constitution of the United States.

"(d) The term 'net income' shall be defined as established accounting practices would define it.

"(e) No income tax shall be paid on dividends from corporations when the income tax has been paid by the corporation on such dividends."

HILL,
BURNS,
SULAK.

Yeas and nays were demanded, and the amendment to the amendment was lost by the following vote:

Yeas—8

Aikin	Lanning
Burns	Metcalf
Collie	Spears
Hill	Sulak

Nays—19

Brownlee	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Martin	Van Zandt
Moffett	Weinert
Moore	Winfield
Pace	

Absent

Beck

Absent—Excused

Neison

Paired

Senator Lemens (present), who would vote "yea" with Senator Small (absent), who would vote "nay."

Senator Spears offered the following amendment to the amendment:

Amend substitute for S. J. R. No. 12 page 4, Section 2, Subsection 8, by

changing the words and figures "3/4 of one per cent" to "one per cent."

SPEARS.
ROBERTS.

The amendment to the amendment was adopted.

Question—Shall the amendment as substituted as amended be adopted?

Senate Bills on First Reading

Senator Moore, by unanimous consent, moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit the introduction of a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Nelson

Small

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Moore:

S. B. No. 416, A bill to be entitled "An Act granting Dorothy Worsham of Houston, Harris County, Texas, Floyd Gwin of Galena Park, Harris County, Texas. Paul Bieherstein of Galena Park, Harris County, Texas, Clovis Putman of Galena Park, Harris County, Texas, A. C. Graham, Jr., of Galena Park, Harris County, Texas, and Martha Ruth Linan of Galena Park, Harris County, Texas, permission to sue the State of Texas for damages alleged to have resulted from the negligence of an officer of the Highway Patrol in the performance of his duties; providing that ven-

ue of such suits shall be in Travis County, Texas; providing for the recovery of judgment against the State in the event of proof of negligence in a court of competent jurisdiction; and declaring an emergency."

Referred to Committee of State Affairs.

Senator Kelley moved that the rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Nelson	Small
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The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Kelley:

S. B. No. 417, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, Independent School Districts, Common School Districts, Drainage Districts, Water Control and Improvement Districts, Water Improvement Districts or Navigation Districts in this State to avail themselves of the services of County Tax Assessors and Collectors; providing for assessment at the same valuation as used for county and state purposes; fixing the compensation of said County Officers for said services; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

Senator Pace moved that the rule

relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a general bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Beck	Moore
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Spears
Hardin	Stone
Head	of Galveston
Hill	Stone
Isbell	of Washington
Kelley	Sulak
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

Absent—Excused

Nelson	Small
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The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Pace:

S. B. No. 418, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission to acquire by purchase lands, water rights, easements, right of ways and property of any person in this State; providing for the acquiring of lands, water rights, easements, right of ways and property of any person or corporation by condemnation proceedings; providing the manner and method of such condemnation proceedings; providing for the payment of damages and costs, and declaring an emergency."

Referred to Committee on Game and Fish.

Recess

On motion of Senator Collie, the Senate, at 5:15 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

FORTY-THIRD DAY

(Continued)

(Wednesday, March 29, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by President Stevenson.